

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Root, Inc., *et al.*,

Plaintiffs,

v.

Brinson Caleb Silver, *et al.*,

Defendants.

Case No. 2:23-cv-00512

Judge Sarah D. Morrison

JOINT MOTION FOR PARTIAL DISMISSAL WITH PREJUDICE

Pursuant to Rules 21 and 41(a)(2)¹ of the Federal Rules of Civil Procedure, Plaintiffs Caret Holdings, Inc.; Root Insurance Agency, LLC; and Root Inc. (collectively, “Root”) and Defendants Quantasy, LLC; Quantasy & Associates LLC; and William Campbell (collectively, the “Quantasy Defendants”) have settled their dispute and hereby jointly move this Court for an Order:

1. Dismissing with prejudice Root’s Second Amended Complaint against the Quantasy Defendants;
2. Dismissing with prejudice Quantasy Defendants’ Counterclaims against Root; and
3. Each party to bear its own costs.

¹ Because this motion is not signed on behalf of “all parties who have appeared” in the action, Fed. R. Civ. P. 41(a)(1)(A)(ii), and because some of those parties are no longer represented by counsel and cannot stipulate to any dismissal without a new appearance of counsel, Root and the Quantasy Defendants bring this joint motion for dismissal under Rules 21 and 41(a)(2). *See Anderson-Tully Co. v. Fed. Ins. Co.*, 347 F. App’x 171, (6th Cir. 2009) (noting that a stipulated dismissal under Rule 41(a)(1)(A)(ii) requires a stipulation from all parties who have ever appeared in an action, even if those parties have been dismissed, and inviting dismissal under Rule 41(a)(2) where the stipulation of “all parties” cannot be obtained).

Pursuant to Rule 41(a)(1)(A)(i), the Quantasy Defendants hereby give notice that its crossclaims against Brinson Caleb Silver are hereby dismissed with prejudice, each party to bear its own costs. A proposed order is attached hereto.

Respectfully submitted,

/s/ William D. Kloss, Jr.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Joint

Motion for Dismissal with Prejudice was filed electronically on December 11, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system.

A copy was also sent by ordinary U.S. Mail, postage prepaid, on December 11, 2024 to the following non-represented parties:

Brinson Caleb Silver
Butler County Jail
Attn: Brinson Caleb Silver, Inmate No. 303850
705 Hanover Street Hamilton, Ohio 45011

Collateral Damage, LLC
45 South Arroyo Parkway
Pasadena, CA 91105

Eclipse Home Design, LLC
651 N. Broad Street Suite 201
Middletown, Delaware 19709

/s/Elizabeth S. Alexander

Elizabeth S. Alexander (0096401)

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[PROPOSED] ORDER ON MOTION FOR PARTIAL DISMISSAL WITH PREJUDICE

This matter is before the Court on the Joint Motion for Partial Dismissal with Prejudice submitted by Plaintiffs Caret Holdings, Inc.; Root Insurance Agency, LLC; and Root Inc. (collectively, “Root”) and Defendants Quantasy, LLC; Quantasy & Associates LLC; and William Campbell (collectively, the “Quantasy Defendants”). For good cause, the Motion is Granted and the Court orders as follows:

1. Root’s Second Amended Complaint against the Quantasy Defendants is dismissed with prejudice;
2. Quantasy Defendants’ Counterclaim against Root is dismissed with prejudice;
3. Quantasy Defendants’ crossclaims against Brinson Caleb Silver are dismissed with prejudice; and
4. Each party will bear its own costs.

IT IS SO ORDERED.

Date:

**SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE**